

Re. : Amendment and Response to Office Action Mailed on September 28, 2006
Appl. No. : 10/789,859
Filed : February 27, 2004

III. AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes amendments to Figure 31. This attached replacement sheet of drawing, which includes Figure 31, replaces the original sheet of drawings which included Figure 31.

An annotated or marked-up sheet of drawings for Figure 31 is also attached. The annotated sheet of drawings shows the proposed drawing corrections in red ink.

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IV. REMARKS

Claims 1-29 were previously pending and the Office Action rejected Claims 1-29. By the foregoing amendments, Applicants cancelled Claims 1-29 without prejudice; and added Claims 30-64 to further clarify, more clearly define, broaden the claimed invention and/or expedite receiving a notice of allowance. Pursuant to 37 C.F.R. § 1.121(f), no new matter is introduced by these amendments. Applicants believe that Claims 30-64 are in condition for immediate allowance.

Please note that Applicants' remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' discussion and understanding of the references, if any, is consistent with the Examiner's. Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

A. Response to the Objection to the Drawings

The Office Action objected to the drawings under 37 C.F.R. § 1.83(a) because the drawings must show every feature of the invention specified in the claims. The Office Action stated the limitation in (1) Claims 2, 12, 15 and 17 of the upper portion can be selectively removed from one recess and received in another recess, (2) Claims 3, 5, 13 and 16 of the length of the upper portion of

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the leg being adjustable in length, and (3) Claim 8 of a trigger mechanism attached to the upper portion of the leg must be shown or the features cancelled from the claims. The Office Action also objected to the drawings because in Figure 31, numeral "150" should be "154."

Applicants respectfully thank Examiner Tran for her careful and thorough review of the drawings. The limitations in Claims 2, 12, 15 and 17 that the upper portion can be selectively removed from one recess and received in another recess, however, is shown in the drawings. For example, as shown in Figure 14, the upper portion 36a is disposed in a center recess 50, but the upper portion could also be disposed in any of the other recesses. Thus, Figure 14 illustrates the upper portion 36a received within a recess 50. In addition, Figure 15 illustrates the upper portion 36a removed from the recesses 50. Therefore, the drawings show the upper portion 36a received in a recess 50 and also removed from the recesses. Because the drawings shown the upper portion 36a received within a recess and removed from the recesses, Applicants believe that the drawings show every feature in Claims 2, 12, 15 and 17.

The limitation in Claims 3, 5, 13 and 16 that the length of the upper portion of the leg is adjustable in length is also shown in the drawings. For example, as shown in Figures 19-23, the upper portion 136b of the leg 130b may include an opening 164 and a length adjusting member 166 may be disposed within the opening. As discussed in paragraph number [0123] of the application, the length adjusting member 166 may have an elongated body 168 that is disposed within the opening 164 and the length adjusting member 166 desirably allows the length of the upper portion 136b of the leg 130b to move between a reduced length position and an extended length position.

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The specification also states that the trigger mechanism 170 may be used to adjust the length of the upper portion of the leg (see, e.g., paragraph [0124]). Thus, the drawings show that the length of the upper portion of the leg may be adjustable in length. Accordingly, Applicants request that this objection to the drawings be withdrawn.

As mentioned above, the trigger mechanism 170 is shown in Figures 19-23 and it is attached to an upper portion 136b of the leg 130b. The trigger mechanism is also described, for example, in paragraph [0124] of the specification. Because the trigger mechanism 170 is shown in the figures as being attached to the upper portion of the leg, Applicants respectfully request that this objection to the drawings be withdrawn.

Finally, the Office Action objected to the drawings because in Figure 31, numeral “150” should be “154.” The attached replacement sheet of drawings for Figure 31 amends reference numeral “150” to “154.” The attached annotated or marked-up sheet of drawings for Figure 31 shows the proposed drawing correction in red ink.

B. Response to the Objection to the Specification

The Office Action objected to the disclosure because of the following informality: page 45, paragraph number [0141], line 5, reference number “150” should be “154.” As set forth above, Applicants amended reference number “150” to reference number “154” in paragraph number [0141]. Accordingly, Applicants request that this objection to the specification be withdrawn.

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C. Response to the Objection to the Claims

The Office Action objected to Claims 4, 9 and 16 because of the following informalities: (1) Claim 4, line 1, “a opening” should be “an opening,” (2) Claim 9, “one or clips” should be “one or more clips,” and (3) Claim 16 is objected to for having the same limitation as Claim 13. As set forth above, Applicants cancelled Claims 4, 9 and 16. Accordingly, Applicants request that this objection to the claims be withdrawn.

D. Response to the Section 112 Rejection

The Office Action rejected Claims 2, 3, 9, 13 and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. The Office Action stated that in regard to Claim 2, since Claim 1 recited only two pairs of recesses, with one pair to receive the first leg and the other pairs to receive the second leg, the recitation in Claim 2 of the upper portion of the first leg can be selectively removed from one of the leg receiving recesses and received within another of the leg receiving recesses renders the claim invalid for failing to clearly define the number of recesses. In regard to Claim 3, the Office Action states since Claim 1 recited only two pairs of recesses, with one pair to receive the first leg and the other pair to receive the second leg, the recitation in Claim 3 of, in a first position, the first leg can be inserted into “a desired pair of leg receiving recesses” and, in a second position, the first leg can be secured within “a desired pair of leg receiving recesses” renders the claim indefinite for failing to clearly define the metes and bounds of the claimed invention (the

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receiving recesses in both the first and second positions being recited as “a desired pair). In regard to Claim 9, since line 1 recited one or clips (which is just one clip), the recitation of line 2 of “the clips” lacks antecedent basis, this indefinite. In regard to Claims 13 and 16, the recitation of, in the first position, the first leg can be inserted into “a desired pair of leg receiving recesses” and, in a second position, the first leg can be secured within “a desired pair of leg receiving recesses” renders the claim indefinite for failing to clearly define the metes and bounds of the claimed invention (the receiving recesses in both the first and second positions being recites as “a desired pair”).

Applicants respectfully traverse this objection because Claims 2, 3, 9, 13 and 16 particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Nevertheless, as set forth above, Applicants canceled Claims 2, 3, 9, 13 and 16. Accordingly, Applicants respectfully request that this Section 112 rejection be withdrawn.

E. Response to the Double Patenting Rejection

The Office Action rejected Claims 1-29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-39 from United States Patent No. 7,059,254 issued to Strong, et al., in view of U.S. Patent No. 3,123,935 issued to Williams. The Office Action states Claims 1-39 of the Strong patent teaches all the limitations recited in Claims 1-29 of the pending application. The Office Action, however, acknowledged that the difference being that the Strong patent does not disclose the table top having a drawer provided thereto. The Office Action, however, contends the Williams patent teaches the idea of providing a table top with a

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drawer thereto in order to allow one or more items to be stored in the drawer. The Office Action concludes that it would have been obvious at the time of the invention to modify the structure of the Strong patent by providing the table top with a drawer in order to allow one or more items to be stored in the drawer, as taught by the Williams patent, since both teach alternate conventional table top structure, used for the same intended purpose of supporting objects thereon, thereby providing structure as claimed.

Applicant respectfully traverses this rejection. However, as stated in the Office Action, a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. *See* 37 C.F.R. § 1.130(b).

Accordingly, in order to expedite receiving a Notice of Allowance, Applicant submits herewith a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). Applicant is also submitting herewith two Certificates under 37 C.F.R. § 3.73(b) establishing that U.S. Patent No. 7,059,254 issued to Strong and this application are commonly owned by Assignee, Lifetime Products, Inc.

In particular, the first Certificate under 37 C.F.R. § 3.73(b) demonstrates that Assignee Lifetime Products, Inc. is the owner of U.S. Patent No. 7,059,254 issued to Strong. The second Certificate under 37 C.F.R. § 3.73(b) demonstrates that Assignee Lifetime Products, Inc. is the owner of this application. Accordingly, Applicant requests that this rejection be withdrawn. This terminal

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disclaimer is accompanied by the fee set forth in 37 C.F.R. § 1.20(d) in the amount of \$130.00.

F. Response to the First Section 103(a) Rejection

The Office Action rejected Claims 1-29 under Section 103(a) as being obvious over the Strong patent in view of the Williams patent. As set forth above, Applicants cancelled Claims 1-29 and added Claims 30-64 to further clarify, more clearly define, broaden the claimed invention and/or expedite receiving a notice of allowance. Accordingly, Applicants request that this Section 103(a) rejection be withdrawn.

G. Response to the Remaining Section 103(a) Rejections

The Office Action rejected Claims 1-2 as being unpatentable over U.S. patent no. 4,168,669 issued to Arnoff in view of the Williams patent; Claim 3 as being unpatentable over U.S. patent no. 2,697,018 issued to Georgides in view of the Arnoff patent; Claim 4 as being unpatentable over the Arnoff patent in view of U.S. patent no. 5,484,822 issued to Wu; Claims 10-12 and 13 as being unpatentable over the Arnoff patent in view of the Williams patent and U.S. patent no. 6,058,853 issued to Pinch; Claims 13 and 16 as being unpatentable over the Arnoff patent in view of the Georgides patent; Claim 14 as being unpatentable over the Arnoff patent in view of the Wu patent; Claim 17 as being unpatentable over the Arnoff patent in view of the Williams patent and U.S. patent no. 5,603,267 issued to Soper; Claims 18 and 29 as being unpatentable over the Arnoff patent in view of the Williams patent, U.S. patent no. 6,058,853 issued to Pinch and the Soper patent;

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Claims 19-23 as being unpatentable over the Arnoff patent in view of the Wu patent; Claims 24-26 and 28 as being unpatentable over the Arnoff patent in view of the Williams, Pinch and Wu patents; Claim 27 as being unpatentable over the Arnoff patent in view of the Soper patent.

Applicants respectfully thank Examiner Tran for her careful and thorough review of the application. Applicants, however, traverse the Section 103(a) rejection of Claims 1-29 because neither the Arnoff, Williams, Georgides, Wu, Pinch or Soper patents, either alone or in combination, teach, suggest or disclose each and every element of Claims 1-29. Nevertheless, in order to further clarify, more clearly define, broaden the claimed invention and/or expedite receiving a notice of allowance, Applicants cancelled Claims 1-29 and added new Claims 30-64. In view of these new claims, Applicants respectfully request that these Section 103(a) rejections be withdrawn.

H. New Claims 30-64

New Claims 30-64 have been added to further clarify, more clearly define and/or broaden the claimed invention. Applicant believes that Claims 30-64 are fully distinguished over the prior art of record and are in condition for immediate allowance.

CONCLUSION

In view of the foregoing, Applicant submits that Claims 30-64 are allowable over the cited references and are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be promptly issued.

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If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

The Commissioner is authorized to charge payment of any additional fees associated with this communication, which have not otherwise been paid, to Deposit Account No. 23-3178. If any additional extension of time is required, which have not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: March 28, 2007

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